IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

Writ Petition No.2825 of 2006

Smt.Asha Ashok Shah ..Petitioner

vs.

1. The Dy.Chief Engineer
Building Proposals and ors. ...Respondents

Shri J.S.Kini i/b Ms.Kinjal Haria for petitioner
Smt.V.S.Mhaispurkar, A.G.P. for respondent State.

CORAM: S.B.MHASE J.
26th April, 2006

P.C.

1. heard the learned Counsel for the parties.

2. The Appeal No.TPB/4305/1692/UD-II filed by the present petitioner is pending before the Deputy Secretary to Government, Urban Development, Public Health and Housing Department, Regional Town Planning Sachivalaya, Bombay. The said appeal has been filed in view of provisions of sections 45, 57,53, 53(1) and 55 of the M.R.T.P.Act, 1966. The grievance of the learned Counsel for the petitioner is that though the said appeal has been filed on 30th June, 2005 and inspite of several requests being made to the said Authority, the said Authority is not deciding the said appeal. It is submitted that the grievance of the petitioner will be redressed if the concerned authority is directed to decide the appeal within the stipulated time after giving opportunity of hearing to the petitioner. The learned A.G.P. submitted that the concerned officer will decide the matter, however, reasonable time may be

granted for deciding the matter. In view of this statement made at the bar following order is passed.

> The Deputy Secretary to Government, Urban Development, Public Health and Housing Department, Regional Town Planning, Sachivalaya, Bombay is hereby directed to decide the appeal No.TPB/4305/1692/UD-II within a period of 8 weeks from the date of receipt of the order in Mantralaya after giving hearing opportunity to the petitioner.

Petition is disposed of accordingly.

(S.B.MHASE J.)